

**REMARKS**

Claims 14-26 are pending in this application. Reconsideration is requested based on the following remarks.

**Response to Arguments:**

The Applicants acknowledge with appreciation the consideration given to their arguments, and the withdrawal of the previous grounds of rejection. Further favorable consideration is requested.

**Claim Rejections - 35 U.S.C. § 102:**

Claims 14, 24, 25, and 26 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0002462 to Tanoue (hereinafter "Tanoue"). The rejection is traversed.

One objective of the claimed invention is to recognize and remove defective reconfigurable terminal devices, even if checks performed on their signals while they are operating produce no corresponding negative results, as described at, *inter alia* paragraphs [0003] and [0004] of the specification. In this way the detrimental effects produced by defective reconfigurable terminal devices on the overall operation of a radio communication system might be avoided, even if their signals are not obviously aberrant.

In Tanoue, on the other hand, the base station controller monitors the transmission power of the outgoing signal and judges the mobile device to be faulty *only* if it exceeds a predetermined threshold value. In particular, as described in the Abstract:

The base station controller judges the mobile device as faulty when the transmission power of the outgoing signal exceeds the predetermined threshold value for a predetermined period of time, and registers the faulty mobile device to the mobile device managing database.

Thus, in Tanoue, unless the mobile device requests an inordinate amount of transmission power, there will be no indication that it is faulty. In the claimed invention, in contrast, operation of the terminal device in the radio communication system will be authorized "only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14. Thus, in the claimed invention, a terminal device that is faulty but, nevertheless, manages to draw only a "normal" level of power and would thus escape detection in Tanoue, may be recognized and removed from the system.

The second clause of claim 14, in particular, recites:

Authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation.

Tanoue neither teaches, discloses, nor suggests, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14. In Tanoue, rather, a faulty mobile device detection unit judges whether or not the mobile device is faulty if the transmission power of the outgoing signal transmitted from the base station to the mobile device exceeds the predetermined threshold value for a predetermined period of time. In particular, as described at paragraph [0008]:

The base station controller comprises a faulty mobile device detection unit for judging whether or not the mobile device is faulty based on the fact that the transmission power of the outgoing signal transmitted from the base station to the mobile device exceeds the predetermined threshold value for a predetermined period of time, a faulty device registration request unit for supplying a faulty device registration request to the mobile device managing database to register a mobile device judged as faulty, and a desired receiving quality change instruction unit for giving an instruction to degrade a desired receiving quality class of a mobile device or for supplying a message to reject an access request to the mobile device in the case where, upon receiving the access request from the mobile device, the mobile device is found to be registered as faulty after searching the mobile terminal managing database.

Since, in Tanoue, a mobile device is judged to be faulty if the transmission power of the outgoing signal transmitted from the base station to the mobile device exceeds the predetermined threshold value for a predetermined period of time, Tanoue is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14.

Furthermore, in Tanoue, the base station controller judges the receiver system of the mobile device to be faulty if the transmission power of the outgoing signal continues to be at a predetermined level or higher. In particular, as described at paragraph [0009]:

When the transmission power of the outgoing signal continues to be at a predetermined level or higher, the base station controller judges the receiver system of the mobile device to be faulty and registers the mobile device to the mobile device managing database.

Since, in Tanoue, the base station controller judges the receiver system of the mobile device to be faulty if the transmission power of the outgoing signal continues to be at a predetermined level or higher, a faulty mobile device may go undetected unless and until it draws more than a predetermined level of power. Thus, Tanoue is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as recited in claim 14.

Furthermore, in Tanoue, the base station controller RNC judges the mobile device UE to be a faulty mobile device if the outgoing transmission power reaches a certain percentage or more for a certain period of time. In particular, as described at paragraph [0038]:

Then, in all the branches of the base stations NoDeB, when the outgoing transmission power reaches a certain percentage or more for a certain period of time, the base station controller RNC judges the mobile device UE to be a faulty mobile device, and transmits a faulty mobile device registration request message 32 to the mobile device managing database DB.

Since, in Tanoue, the base station controller RNC judges the mobile device UE to be a faulty mobile device if the outgoing transmission power reaches a certain percentage or more for a certain period of time, a faulty mobile device may go undetected unless and until it draws more than a predetermined level of power. Thus, Tanoue is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as recited in claim 14.

Finally, in Tanoue, the base station controller RNC judges the mobile device UE to be a faulty mobile device if the target mobile device is registered on the faulty mobile device list. In particular, as described at paragraph [0039]:

Upon receiving the mobile device registration request message 32 transmitted from the base station controllers RNC, the mobile device managing database DB first judges whether or not the target mobile device is registered on the faulty mobile device list in the mobile device managing database DB.

Since, in Tanoue, the base station controller RNC judges the mobile device UE to be a faulty mobile device if the target mobile device is registered on the faulty mobile device list, Tanoue is checking whether the target mobile device is registered on the faulty mobile device list, not “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during

operation," as recited in claim 14. Claim 14 is submitted to be allowable. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claim 24:

The fourth clause of claim 24 recites:

Receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation.

Tanoue neither teaches, discloses, nor suggests, "receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Tanoue, rather, is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone "receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation," as recited in claim 24.

The fifth clause of claim 24 recites:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Tanoue neither teaches, discloses, nor suggests, "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as discussed above with respect to the rejection of claim 14. Tanoue, rather, is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as recited in claim 24. Claim 24 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 24 is earnestly solicited.

Claim 25:

The second clause of claim 25 recites:

Receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system.

Tanoue neither teaches, discloses, nor suggests, "receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system," as

discussed above with respect to the rejection of claim 14. Tanoue, rather, is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone "receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system," as recited in claim 25.

The third clause of claim 25 recites:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Tanoue neither teaches, discloses, nor suggests, "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as discussed above with respect to the rejection of claim 14. Tanoue, rather, is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone, "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as recited in claim 25. Claim 25 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 25 is earnestly solicited.

Claim 26:

The second clause of claim 26 recites:

Generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system.

Tanoue neither teaches, discloses, nor suggests, "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system," as discussed above with respect to the rejection of claim 14. Tanoue, rather, is checking the power level of the outgoing signal, not the functional integrity of the terminal device, let alone, "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system," as recited in claim 26. Claim 26 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 26 is earnestly solicited.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Tanoue in view of U.S. Patent No. 6,760,444 to Leung (hereinafter "Leung"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 15 and 16 depend from claim 14 and add further distinguishing elements. Tanoue neither teaches, discloses, nor suggests, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Leung does not either, and thus cannot make up for the deficiencies of Tanoue with respect to claims 15 and 16. Thus, even if Tanoue and Leung were combined, as proposed in the Office Action, the claimed invention would not result. Claims 15 and 16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 15 and 16 is also earnestly solicited.

Claim 17:

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanoue and Leung in view of U.S. Patent Application Publication No. 2004/0029576 to Flykt et al. (hereinafter "Flykt"). The rejection is traversed. Reconsideration is earnestly solicited.

Claim 17 depends from claim 14 and adds additional distinguishing elements. Neither Tanoue nor Leung teach, disclose, or suggest, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejections of claims 15, and 16. Flykt does not either, and thus cannot make up for the deficiencies of Tanoue and Leung with respect to claim 17. Thus, even if Tanoue, Leung and Flykt were combined, as proposed in the Office Action, the claimed invention would not result. Claim 17 is submitted to be allowable. Withdrawal of the rejection of claim 17 is earnestly solicited.

Claims 18 and 19:

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanoue, Leung and Flykt in view of U.S. Patent No. 6,170,006 to Namba (hereinafter "Namba"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 18 and 19 depend from claim 14 and add additional distinguishing elements. Neither Tanoue, Leung nor Flykt teach, disclose, or suggest, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal

device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 17. Namba does not either, and thus cannot make up for the deficiencies of either Tanoue, Leung or Flykt with respect to either of claims 18 or 19. Thus, even if Tanoue, Leung, Flykt, and Namba were combined, as proposed in the Office Action, the claimed invention would not result. Claims 18 and 19 are submitted to be allowable. Withdrawal of the rejection of claims 18 or 19 is earnestly solicited.

Claims 20-23:

Claims 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanoue, Leung, Flykt, and Namba in view of U.S. Patent Application Publication No. 2003/0236991 to Letsinger (hereinafter "Letsinger"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 22 and 23 depend from claim 14 and add additional distinguishing elements. Neither Tanoue, Leung, Flykt, nor Namba teach, disclose, or suggest, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claims 18 or 19. Letsinger does not either, and thus cannot make up for the deficiencies of either Tanoue, Leung, Flykt, or Namba with respect to claims 20-23. Thus, even if Tanoue, Leung, Flykt, Namba, and Letsinger were combined, as proposed in the Office Action, the claimed invention would not result. Claims 20-23 are submitted to be allowable. Withdrawal of the rejection of claims 20-23 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 14-26 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

Thomas A. McKiernan  
Registration No. 37,889

Date: 20/11/06

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501